

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/612,875
Attorney Docket No. Q76460

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1 and 3-16 are all the claims pending in the application. Claim 6 has been allowed. Applicant respectfully submits that the pending claims define patentable subject matter.

The Examiner has rejected claims 1, 3-5, 7, and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kitahara (U.S. 2002/0005879). Applicant respectfully traverses the 35 U.S.C. § 102 rejection of the claims.

The present invention discloses a metallic cavity unit (passage forming plate constituted by metal) and the passage forming plate is joined to a resin casing on one side face thereof, as required by claim 1. Further, a metallic reinforcement member is buried in the resin casing.

However, Kitahara teaches that a reinforcement plate (core member) 72 made of metal is buried in a resin member 71 of a passage forming plate 70, and a case 2 is joined to one side face of the passage forming plate 70. Kitahara further teaches that the reinforcement plate (core member) 72 is buried in the passage forming plate 70 so as to adjust a coefficient of linear expansion of the expansion of the passage forming substrate 70.

Although the present invention and Kitahara both have a reinforcement member made of metal which is buried in a member constituted by resin, the reinforcement member, however, is buried in the resin casing in the present invention. While on the other hand, the reinforcement (core) plate 72 is buried in the passage forming plate 70 in Kitahara. That is, in the present invention, (1) a metallic cavity unit is joined to (2) a resin casing having a reinforcement member

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buried therein. Conversely, in Kitahara, (1) a resin member (case 2) is joined to (2) a passage forming plate 70 having a reinforcement member buried therein. Consequently, the two structures are completely different, and claim 1 does not read on Fig. 1 of Kitahara.

Further, the Examiner alleges that a resin casing corresponds to an element 71 in Fig. 1 Kitahara (Office Action, page 2). In fact, however, the resin casing of the present invention corresponds to case 2 in Fig. 1 of Kitahara. The Examiner has mistakenly identified element 71 as the resin casing. Although the Examiner may broadly interpret the claims, the interpretation must be a reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Particularly, during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Furthermore, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). Indeed, Applicant submits that one skilled in the art of liquid ejection heads would understand and conclude that the “resin casing” corresponds to case 2 in Kitahara, not element 71. Moreover, one skilled in the art would understand and conclude that the passage forming plate 70 comprises both elements 71 and 72, wherein neither the passage forming plate 70 nor its constituent elements 71 and 72 is a resin casing, as recited in claim 1.

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For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by Kitahara. Therefore, claim 1 is patentable, and the 35 U.S.C. § 102 rejection of independent claim 1 and its dependent claims 3-5, 7, and 16 should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

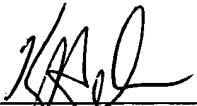
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